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Security Council

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Letter dated 8 July 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 9 April 2003 (S/2003/425).

The Counter-Terrorism Committee has received the attached supplementary report from Rwanda, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 3 July 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: French]

I have the honour to transmit herewith the document containing the response of the Government of Rwanda to the comments and questions of the Counter-Terrorism Committee on the initial report submitted by Rwanda pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

Enclosure

Supplementary report by Rwanda to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

[Original: English and French]

Sub-paragraph 1 (a) and (b):

- In Rwanda a number of existing laws contain various provisions that allow for the prevention of financing of terrorism. In particular:

  I. The 3rd March 2003 regulation governing currency exchange that enforces law no 11/97 of 26/7/1997 on the statute of the National Bank confers the latter the authority to introduce rules and conditions governing the organisation and the functioning of exchange markets as well as the condition under which such operations are effected. The law requires, among other things:

  - To obtain authorisation from BNR to effect exchange operations;
  - Fulfilling certain BNR conditions for all imports and exports in foreign exchange operations;
  - Opening up foreign exchange account out side the country requires fulfilling some conditions;
  - Commercial banks that engage in such operations are under obligation to submit a report to BNR.

  II. The Law of 11th November 1964 on collections imposes on the authority that authorises such collection an obligation to ensure that the receiving of funds and other items handled during the collection is done as per the authorisation and to request the organisers or their successors to show similar accounts and the proof of the funds' destination as stipulated in article 8.

  That right can be exercised for a period of one year and the expiry date shall therefore depend on the duration of the collection.

  III. To sustain those measures, BNR introduced an extensive programme of training in computer applications for the staff members in order to counter possible cyber crimes.

  IV. In its articles 8 and 39, the law no 20/2000 of 26/07/2000 on non-profitable associations, orders any such association to present its plan of action, source of finance and a copy of its annual report of activities that is made to a relevant ministry.

  V. The draft law relating to prevention and repression of corruption and other related offences suppresses money laundering and illegal amassing of wealth.

- The author of a crime connected with or in relation to a terrorist organization is liable on conviction to punishment as an accomplice as long as such act falls within the criminal acts envisaged under article 91 of the Penal Code. Thus, according to that article the following are considered as accomplices:

i. Those who, by way of gifts, promises, threats, abuse of authority or power, machination or any other tricks, will have directly provoked such act or will have given instructions to commit such act;

ii. Those who will have knowingly supplied arms, weapons or any other means that may have facilitated the crime;

iii. Those who, knowingly, will have assisted an author or authors of a crime in acts that prepared or facilitated or in those that he will have accomplished;

iv Those who, either by way of speeches, shouts or threats uttered in public places or public meetings; or by way of writings and printed material sold or distributed, either sold or exhibited in public places or meetings; or by way of banners or adverts displayed before the public; will have directly incited the author or authors into committing such crime; without prejudice to penalties provided for the authors of incitement even in the case where such incitement would not be liable to charges;

v. Those who will have harboured or assisted the culprits within conditions provided in article 257 of the Penal Code.

Sub-paragraph 1 (c):

- The law of 23/02/1963 establishing the Code of Criminal Procedure in its article 3, subparagraph 1, authorises Judicial Police Officers to seize all objects where the law provides for confiscation, conviction or discharge. Funds found in the hands of terrorists are also dealt with according to the above article.

Also for the following reasons, such funds are liable to seizure:

i. Article 281 considers as a criminal organisation any association whatever the number of its members or its duration when formed with an intent against persons or property. Funds belonging to such an organisation are consequently liable to seizure since they are considered as property owned by a criminal organisation.

ii. When funds in the hands of terrorist group were used in committing a crime in a foreign country, they can be seized on the basis of article 3 of the Penal Code since according to article 7 of the Penal Code "is considered committed in Rwanda any crime whose one of its constitutive elements was committed on the territory of Rwanda."

- The Law relating to prevention and repression of corruption and other related crimes has already been adopted by the Transitional National Assembly. Its transmission to the Constitutional Court has only been delayed by the adoption of the new Constitution. The Counter Terrorism Committee will get a copy of this law soon after its publication in the official Gazette.

  The above mentioned law punishes not only money laundering, but also the illegal amassing of wealth but no provision is made for the seizure of funds obtained legally. However, such legally obtained funds could be seized in cases where there are serious reasons to believe that the funds will be used in the commission of a crime.

- Article 16, subparagraph 2 of Law no 08/99 imposes on banking institutions an obligation to report all the information regarding funds having possible link with criminal activities. Such obligation does not affect professionals such as accountants or lawyers.

  In the case of lawyers, article 67 of the law no 03/97 of 19/3/1997 on the creation of the Bar in Rwanda imposes an obligation of secrecy. However, according to article 65, such secret can only be divulged in cases where the president of the Bar Association judges the motive to be justified. Such secret can otherwise be divulged in cases where it is requested by the relevant law and order authorities acting within the exercise of their mission in the strict interest of this law (article 68 of the above mentioned law).

  It is to be noted that once such professionals are made accomplices to the criminal acts of the clients, they shall be held criminally liable.

- When financial institutions are in possession of lists of people suspected to be carrying out terrorist activities, despite the obligation to give information concerning funds linked to illegal activities of such people, they must according to article 16 of Law no 08/99 of 18/6/1999 refuse the transfer or the management of such funds.

Sub-paragraph 1 (d):

- Refer to response to this question in sub-paragraph 1 (a) and (b).

Sub-paragraph 2 (a):

- The Law Reform Commission is busy working on the draft of the Law modifying and completing the Rwandan penal code. A copy of that law will be availed to the CTC soon after its publication in the official gazette.

- The crimes mentioned in the Penal Code, sub-paragraph 1 (a) of the first report are those undermining the interest of Rwanda and its people. A number of provisions in the Penal Code also criminalize some actions that affect the interest of other states and their citizens. In this regard, refer to response made in sub-paragraph 2 (c) and (d) in its last point.

  In any case, Rwanda notes very well the observations made by the CTC. These observations will be taken into consideration by the Law Reform Commission.

- To ensure that recruitment, fund raising and request for any assistance are not carried out by individuals or entities for terrorist ends, the following legal and practical measures have been taken:

  - Article 155 of the Penal Code punishes all persons who will have established or maintained criminal relations with a foreign government or institution or their agents;

  - Article 163 of the Penal Code punishes whoever by means of gifts, payments, promises, threats, abuse of authority or power will have recruited people or facilitated or accepted engagement with persons for the benefit of an armed force other than the States' regular armies;

In its sub-paragraph 2, the article punishes whoever will accept to be hired or recruited in the service of an armed force other than the states' regular armies;

- Articles 170 and 171 of the Penal Code, punish whoever will head a hostile group against the interest of the State;
- Article 173 punishes as accomplices those who will have provided to such groupings, accommodation, hide-outs, meeting places or any other emergency assistance;

Among the practical measures taken, one can be mentioned:

- The National Police supervises all phases of recruitment and training of personnel in private security firms; it also determines and controls arms they posses.

- In the field of combating the illicit traffic in firearms, in order to prevent firearms from falling into the hands of terrorists, Rwanda in the past year took the following measures:

  - Rwanda signed the Nairobi Declaration of 15 March 2000 on Small Arms and Light Weapons.
  - In the framework of the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), Rwanda adopted the Protocol.
  - Rwanda launched her National Focal Point on Small Arms and Light Weapons on 20 March 2003.
  - The Rwandan civil society established SAFERRWANDA, a non-governmental organization committed to issues of the proliferation of illicit small arms and light weapons.

Sub-paragraph 2 (c) and (d):

- Article 13 of law no 17/99 of 16th August 1999, on Immigration and Emigration is not applicable to asylum seekers. The latter are governed by the law no 34/2001 of 5th/7/2001 on refugees.

  Asylum seekers as well as other people mentioned in sub-paragraph 2 of the resolution cannot be granted refugee status, since, according to article 2 of the law no 34/2001 of 5th/7/2001 on refugees, "*Any person subjected to accusations of having committed actions contrary to the objectives and principles of the United Nations and the Organisation of African Union cannot be considered as a refugee*".

  Any person having obtained his/her refugee status or temporarily authorised to stay in Rwanda, loses his/her residence right, once he/she involves in other professional activities rather than those authorised in his/her residence permit. According to the Penal Code, once proven that the asylum seeker or any person applying for residence visa is part of persons mentioned in sub-paragraph 2 of the resolution, he/she will be taken as the author, co-author or an accomplice of the offence.

- In respecting the principle of non-utilisation of the Rwandan territory as a base for terrorist and criminal groups, the creation, the organisation, the enticement

and the leading of groups of bandits are recognized as offences (articles 170-173, 281 and 283 of the Penal Code).

The Rwandan territory cannot be used illegally to carry out criminal acts against another state. Article 7 of the Penal Code punishes any offence committed outside Rwanda when one of its constitutive elements was committed on the territory of Rwanda.

In addition, article 12 of the Penal Code, punishes whoever while on the Rwandan territory turned an accomplice to a crime or offence committed on foreign land, if such act is a crime under both Rwandan law and the law of that foreign state, provided that such a crime or offence has been ascertained by a definite decision of the foreign jurisdiction.

Article 191 of the new Constitution prohibits the signing of any convention or international treaty authorising the establishment of foreign forces on the Rwandan territory.

Sub-paragraph 2 (e):

- International terrorism in its modern dimension has surpassed by far the vision the legislator had when he defined the crime especially concerning its preparatory acts. Nevertheless, the legislator intends to consider this aspect in the on going legal reforms. It is for this reason that money laundering will be established as an offence.

- Concerning the plan to give the Rwandan courts the universal jurisdiction, this has been forwarded to the inter-ministerial technical committee for scrutiny before being submitted to cabinet.

  In the absence of the universal jurisdiction, Rwandan courts are competent:

  - To prosecute any Rwandan citizen who, while outside the Rwandan territory, is found guilty of an act proven as a crime and punishable by the Rwandan law (article 9 of the penal code).
  - To prosecute any Rwandan citizen who, while outside Rwanda territory is found guilty of an act proven as an offence under the Rwandan law, and if such act is punishable by the laws of the country where the offence has been committed (article 10 of the penal code).
  - To prosecute anyone found on Rwandan territory who is found guilty of a crime or offence committed in a foreign country provided that such crime or offence has been ascertained by a final decision of the foreign court (article 12 of the penal code).
  - To prosecute any Rwandan citizen or foreigner who while outside the Rwandan territory is found guilty of a crime or offence interfering with the state's security or the counterfeiting of national currency as if the crime or offence had been committed on the national territory (article 13 of the Penal Code).

Sub-paragraph 2 (f):

- In matters of mutual assistance and cooperation in the fight against crime, Rwanda signed a treaty to that effect with Eastern Africa Police Chiefs

Cooperation Organization (EAPCCO) member states. Other treaties are to be signed during the next EAPCCO Ministerial Conference.

These cases are notably:

- The treaty relating to the fight against drugs and other narcotics;
- The treaty between member countries of the organisation in the fight against terrorism;
- The treaty relating to the exchange and extradition of suspects and charged persons;

It is to be noted that Rwanda intends to broaden its cooperation with other countries in the above mentioned fields.

In the field of extradition, Rwanda has signed the following treaties and conventions:

- Judicial Convention in matters relating to extradition and the Protocol relating to criminal rogatory commissions, signed in Kampala on 6th February 1988;
- Extradition treaty, treaty on mutual cooperation in criminal matters, and the treaty on the reciprocal execution of judicial decisions, signed in Nairobi on 28th May 1990;
- Extradition treaty with Tanzania, signed in 1965;
- Extradition treaty with Burundi and Zaïre (DRC), ratified on 21st June 1975;

Extradition treaties signed before independence include with: Bolivia, Bulgaria, Chile, Colombia, Costa Rica, Denmark, Cuba, Guinea, Finland, Greece, Guatemala, Honduras, Italy, Nicaragua, Holland, Salvador, Switzerland and Britain.

- In our laws, there is no provision for a definite time frame within which to respond to a judicial assistance requested by another country. However, the response to a request depends on the urgency and gravity of the issue, and material as well as logistical means available. In practice, the response required is provided in the shortest possible time.

Sub-paragraph 2 (g):

- The fight against trafficking of drugs and other narcotic substances and the fight against financial and economic crimes, are under the competence of the Judicial Police Directorate of the National Police. The control of border posts is done by personnel of the Directorate of Immigration and Emigration that is part of the National Security Service. While these various services work under different institutions, there is among them cooperation on the ground which is reflected in regular exchange of information, meetings and regular reports. This cooperation is manifested in the fact that anyone suspected by the Immigration officer while checking the travel documents is handed over to the police for investigation.
- To avoid any counterfeiting, forgery, fraudulent use of travel documents and identity cards, the following measures are taken:

- Organize Seminars and training for personnel of the Immigration and Emigration department;
- Since 24th June 1996, there is new brand of passports and other travel documents having a number of improved security features such as the quality of the paper, water mark and indelible ink;
- The use of digital visas;
- The use of modern equipment to check travel documents.

Sub-paragraph 3 (a):

- There is in Rwanda and in other neighbouring countries, namely Burundi, Uganda, Tanzania and Kenya, mechanisms of permanent consultations that allow those countries to discuss and exchange information related to issues raised by the movement of people and goods. With Kenya in particular, the following fields of cooperation have been defined:
  - To hold regular contacts between leaders of Immigration and emigration departments of the two countries;
  - Harmonization of procedures;
  - Joint training in the field of border control, of laws, exchange of information, detection of forged documents;
  - To maximise the exchange of information to fight terrorism, drug trafficking and human trafficking.

Under the framework of the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), there are permanent contacts between Rwanda, Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Seychelles, Sudan, Tanzania and Uganda.

The 20th August 2003 Constitution of EAPCCO provides in its article 3 some of the following objectives:

- To harmonise, promote, strengthen and establish permanent cooperation and common strategies to fight against cross-border crimes and their regional impact;
- To prepare and distribute all information related to criminal activities; and to ensure necessary mutual assistance for the control of crime in the region;
- To assess the needs for training of police officers in specialised fields such as the fight against drug trafficking, motor vehicle theft, theft in works of art, financial and economic crimes, illegal trafficking of firearms, serious crimes such as terrorism, armed robbery as well as other fields that may be identified by member-states;
- To harmonise laws of member states with regard to extradition, mutual assistance and to make necessary recommendations to member states in the mentioned fields and in others that affect the efficient implementation of laws.

Sub-paragraph 3 (b):

- The legal basis of extradition is the Decree of 12th April 1986 as modified and completed to this date by the Penal Code in its articles 15 and 16. This Decree provides in its article 1 that the government will deliver to governments of foreign countries, in the context of reciprocity, any foreigner accused, prosecuted or condemned by courts of law of the said countries as the author or accomplice in one of the acts committed in the territory and mentioned in the extradition convention concluded amongst them.

  In the absence of any extradition convention, or in case of an act not provided for in the extradition convention, the foreigner will be handed over only on the basis of specific agreement signed between the two governments.

Subparagraph 3 (c) and (d):

- It should be noted that Rwanda has ratified most of the international conventions relating to terrorism, as mentioned in the first report Rwanda submitted to the UNSC CTC.

  Currently, Rwanda is working with the rest of the international community in elaborating new conventions. In particular, Rwanda is participating in the task of designing the UN Convention on corruption.

  In the framework of the on going law reform, the content of those conventions will be taken into account.

  The draft of the Counter Terrorism Act currently under preparation is inspired by those conventions.

Sub-paragraph 3 (e):

The incorporation of international conventions into our domestic law will lead to the modification of the criminal laws currently in force by inserting new offences and setting the corresponding penalties. For the existing offences, penalties will be increased to match the gravity of the offences.

- The Penal Code, in its article 15 paragraph 2, provides that extradition is applicable only if the alleged facts are offences under the law of both Rwanda and the requesting country. Extradition will not be granted for political offences or if it is required for political motives. However, when the person under an extradition request is pursued for terrorism charges he/she will be extradited because terrorism is not considered as a political offence.

Sub-paragraph 3 (f):

- There are no crimes mentioned in article 2 of the law no 17/1999 on Immigration and Emigration.

  The crimes whose identification is required are rather provided by law no 34/2001 of 5th July 2003 on refugees. In its article 2, persons pursued for the following acts are not considered refugees:

  - A crime against humanity;

- Acts contrary to the aims and principles of the United Nations and those of the Organisation for African Unity, crimes provided under the Rwanda draft bill on the crime of genocide, crimes against humanity and war crimes. We should mention that this draft bill is tabled at the Transitional National Assembly.

Sub-paragraph (g):

- See the response to this question in sub-paragraph 3 (e).

Paragraph 4:

- As mentioned in Rwanda's first report addressed to the UNSC CTC, particular attention has been given to the fight against the trafficking of drugs and other narcotic substances. The same attention has also been given to the fight against other crimes mentioned in paragraph 4 of the resolution. This has been manifested in the various actions that have been undertaken. Here one can mention the following:

  - Money laundering is seen as an offence severely punishable in the bill related to the prevention and suppression of corruption and related offences. When this offence is committed in a permanent manner or in violating the professional prerogatives, the provided penalties are doubled. This is the same case when it has been committed by an organised group.

  - In the same vein, at the level of the Judicial Police, a division in charge of economic and financial crimes was created. On the initiative of this division and in cooperation with the National Bank of Rwanda there was created a Committee for cooperation between Law enforcement and Banking/Financial institutions (COCLAB). The committee brings together officers from the national Police, The Central Bank and the Prosecution Department.

  - Rwanda became a member of the Eastern and Southern Africa Anti Money Laundering Group (ESAAMLG).

  - Rwanda became a member of Interpol's African Working Party on Information Technology Crimes.

  - In the field of combating the illicit trafficking of small arms and light weapons, the measures taken are enumerated under sub-paragraph 2 (a) in the fourth point.

  - As mentioned in the first report, on the 14th April 2002, Rwanda ratified the convention on the physical protection against nuclear materials.

  - Rwanda has a liaison officer at the sub-regional office of Interpol in Nairobi, Kenya. This officer heads firearms desk.

  - The new constitution promulgated on the 04th June 2003, in its article 191 paragraph 2 forbids any international convention or agreement authorising transit or storage of toxic waste or any other product that could have a harmful impact on the environment and on the health of the population.

- Rwanda acceded, by Presidential Order No. 78/01 of 8 July 2002, to the Stockholm convention on Organic pollutants.

Miscellaneous:

- The structures of the National Police, of Rwanda Revenue Authority, of the National Bank of Rwanda and of the Immigration and Emigration Department provide services whose activities enable the implementation of the Resolution.

In the structure of the National Police, the following services are provided:

- Division of financial and economic crimes in the Judicial Police in charge of the fight against money laundering.
- Division of Narcotics in the Judicial Police in charge of the fight against drug trafficking.
- Interpol Division of the Judicial Police in charge of cooperation and exchange of information criminal matters.
- Specialised units attached to the National police in charge of border control.

In the structure of Rwanda Revenue Authority, the following services are provided:

- Department of Revenue Protection in charge of the fight against smuggling and any tax avoidance.
- Division of Compliance in charge of revenue matters.

In the department of Immigration and Emigration, the following services are provided:

- Division of inspection in charge of controlling travel documents to prevent frauds and falsifications.

Assistance:

- Apart from the technical assistance required in the field mentioned in the first report, Rwanda would like to obtain any other support or necessary assistance in order to put in place special units to fight terrorism and its logistical/financial support networks.

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General Assembly
Fifty-eighth session
Items 28, 93, 95, 110, 111 and 170 of the preliminary list*

The situation in Afghanistan and its implications for international peace and security

Macroeconomic policy questions

Sustainable development and international economic cooperation

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Security Council
Fifty-eighth year

Letter dated 9 July 2003 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Joint Statement by the heads of State of the members of the Central Asian Cooperation Organization signed in Almaty on 5 July 2003 (see annex).

On behalf of the Permanent Missions of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan to the United Nations, which are the member countries of the Central Asian Cooperation Organization and as the representative of the country hosting this meeting, I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under items 28, 93, 95, 110, 111 and 170 of the preliminary list, and of the Security Council.

(*Signed*) Yerzhan Kh. **Kazykhanov**

* A/58/50/Rev.1 and Corr.1

03-42599 (E) 160703 170703

Annex to the letter dated 9 July 2003 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

[Original: Russian]

Joint statement by the heads of State of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan

The Presidents of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan and the Republic of Uzbekistan,

Having discussed the questions of developing multilateral regional cooperation within the framework of the Central Asian Cooperation Organization (CACO), the situation in and around the region, and other urgent international problems,

Acting in accordance with the established practice of open, constructive dialogue and the degree of mutual understanding and reciprocal trust that has been achieved,

Guided by the general aspiration to develop multilateral cooperation on the basis of the principles of true equality, mutual aid and respect for one another's interests and in a spirit of traditional friendship and good-neighbourliness between the peoples of Central Asia,

Confirming the aspiration to bring about the further expansion of regional cooperation across the entire spectrum of inter-State relations in the interest of ensuring peace, stability and security in the region,

Attaching particular importance to deepening cooperation in combating international terrorism, political and religious extremism, illicit drug trafficking, illegal migration and transnational organized crime,

Recognizing the primary importance of further deepening economic cooperation, vigorously exploiting the natural and economic potential of the member countries, and developing transport communications in Central Asia,

Having considered the results of the activities of the Central Asian Cooperation Organization since its transformation,

State the following:

I

The heads of State consider that the Central Asian Cooperation Organization has become an important institution for regional cooperation and a vital component for establishing an effective system to ensure stability in Central Asia and is making its contribution to the efforts by the international community to counter the threats and challenges of the contemporary world.

The Central Asian Cooperation Organization, which was formed on the basis of the Central Asian Economic Cooperation Organization, has become more democratic and flexible, and the number of questions that are considered has been broadened. In addition to the discussion of economic questions, a frank and

confidential dialogue on all the vital problems of the region is conducted within the framework of CACO.

In 2002, four summit meetings of the Presidents of the CACO countries were held, at which pressing questions of regional development and international policy were discussed.

Openness and readiness for constructive cooperation with other countries and international organizations have become steadfast principles of the Central Asian Cooperation Organization.

The heads of State highly assessed the results of the first meeting of parliamentarians of the Central Asian Cooperation Organization member States held in Tashkent on 18 November 2002, at which the establishment and development of parliamentarism in the States of the region, and prospects for developing interparliamentarian cooperation and new forms of inter-State cooperation aimed at strengthening peace and stability in the region were discussed. The heads of State note the importance of the decision adopted on the establishment of an interparliamentary cooperation institute — the Conference of Parliamentarians of the CACO member States.

The heads of State, having considered the work of taking stock of the legal and treaty basis of CACO and the cessation of the activities of the closed stock company, the Central Asian Bank for Cooperation and Development, have instructed their Governments to complete this work by the end of 2003.

The heads of State noted the importance of speedily resolving the entire range of questions related to the legal determination of inter-State borders.

II

The development of multifaceted trade and economic cooperation is a priority area within the framework of CACO.

In this connection, the heads of State noted the importance and usefulness of the business forums that were held on 28 and 29 November 2002 and 6 May 2003 in the cities of Tashkent and Osh.

The meetings of representatives of business circles and entrepreneurs once again confirmed the importance of drawing up and implementing joint projects, harmonizing legislation, liberalizing trade regulations, strengthening direct contacts between enterprises and businessmen, and attracting investments in the economies of the Central Asian States.

The heads of State have instructed their Governments to take the necessary measures to ensure the practical implementation of the agreements reached during the business forums.

The heads of State underscore the importance of intensifying the process of creating favourable conditions for trade and investment and organizing cooperation in the banking and financial fields.

The CACO heads of State have instructed their Governments to speed up the elaboration of draft agreements on establishing international hydro-energy, transport and food consortiums.

In this connection, the holding in Tashkent in May 2003 of the annual meeting of the European Bank for Reconstruction and Development (EBRD) and the participation of the leaders of the CACO countries in it, as well as the forthcoming annual meeting of the countries of the Islamic Development Bank Group in September are of major importance in order to attract foreign investment to the region and execute large-scale international projects, primarily in the hydro-energy and communication fields.

The heads of State adopted a decision to request international financial institutions, including the International Bank for Reconstruction and Development, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Islamic Development Bank, to provide assistance in drawing up a plan for the activities of hydro-energy, transport and food consortiums.

In view of the enclave-like nature of the region, the development of the transport infrastructure and providing member countries with access to seaports and the world market, including the use of the port of Aktau, are particularly important.

The heads of State noted that the Central Asian region, which, by virtue of its geographic position, possesses an enormous transit potential, must become a component part of the intercontinental transport corridors, and agreed to give their Governments instructions to strengthen coordination in this area.

III

The heads of State consider broad cooperation on the part of the CACO States important in countering general threats and challenges such as terrorism, extremism, illicit trafficking in narcotic drugs and psychotropic substances, illegal migration and transnational organized crime.

In this connection, the heads of State stressed the importance of the conference of directors of security services and "power" structures of the CACO member States held from 20 to 22 August 2002 in Tashkent, and instructed the directors of the aforementioned structures to hold similar conferences on a regular basis.

The heads of State pointed out in particular that strengthening peace and stability in Afghanistan and establishing good-neighbourly relations with that country are in keeping with the basic interests of the countries of Central Asia. Joint efforts to restore Afghanistan's economy and infrastructure will make a substantial contribution to ensuring regional security and stability.

On the basis of this, the heads of State expressed support for the efforts of Hamid Karzai in the post-war rebuilding of the country and noted the importance of involving Afghanistan in the process of Central Asian regional cooperation.

IV

The heads of State consider the expansion and deepening of cooperation in the cultural and humanitarian field an important factor in strengthening friendly and good-neighbourly relations between the countries and people of Central Asia.

The participants in the summit also expressed their support for expanding cultural, educational and scientific links among the CACO countries.

Providing assistance in solving the problems of organizing the television and radio broadcasting of CACO countries in one another's territory was recognized as a key area in this field.

To these ends, instructions were given to hold a meeting of the directors of television and radio companies in the second half of 2003 in order to deal with organizational and technical matters and establish quotas for the exchange of television programmes.

V

The heads of State stressed that the constructive negotiations, held in an atmosphere of openness and mutual understanding, have made a substantial contribution to the further development of multilateral and mutually advantageous cooperation on the part of the States of Central Asia.

The participants in the summit noted the effectiveness of the activities of CACO during the period of the chairmanship of the Republic of Uzbekistan in the Organization's bodies.

The heads of State expressed their appreciation for the warm and cordial reception accorded to them by the President of the Republic of Kazakhstan, Nursultan Nazarbayev, in the hospitable land of Kazakhstan.

President of the Republic of Kazakhstan
N. **Nazarbayev**

President of the Kyrgyz Republic
A. **Akaev**

President of the Republic of Tajikistan
E. **Rakhmonov**

President of the Republic of Uzbekistan
I. **Karimov**

5 July 2003

Almaty

United Nations S/2003/704

Security Council

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Letter dated 9 July 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to attach herewith a copy of the Joint Declaration of the Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles, made on 4 July 2003 (see annex).

This Declaration was made at a solemn ceremony at the Presidential Palace of the Republic of Côte d'Ivoire in Abidjan, in the presence of the President of the Republic, His Excellency Mr. Laurent Gbagbo, the Government of National Reconciliation, the leading political, administrative, religious, traditional, military and national security forces and the Forces Nouvelles, the Special Representative of the Secretary-General and the members of the Follow-Up Committee to the Linas-Marcoussis Agreement, the diplomatic corps accredited in Côte d'Ivoire, the impartial forces of the United Nations Mission in Côte d'Ivoire (MINUCI), the ECOWAS Mission in Côte d'Ivoire (ECOMICI) and the French Forces (Unicorn).

I should be grateful if you could publish the said Declaration as a document of the Security Council.

(*Signed*) D. Philippe **Djangone-Bi**
Ambassador
Permanent Representative

03-42607 (E) 140703 · 140703

Annex to the letter dated 9 July 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Joint Declaration of the Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles

In view of the grave dangers that threaten the national reconciliation process, the Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles met on Wednesday, 2 July 2003 in Abidjan and agreed to adopt the following declaration, with a view to reassuring all the population groups living in Côte d'Ivoire and reaffirming the desire for peace which the great majority of Ivorians feel.

Thus:

Considering that Côte d'Ivoire has suffered enough from the war into which it was plunged on 19 September 2002,

Considering that the people's pain and distress must be brought to an immediate end,

Considering that all conflicts must necessarily be resolved through dialogue and cooperation,

Considering that every new death is pointless and further complicates national reconciliation,

Considering that partitioning Côte d'Ivoire, even briefly, would not be to the advantage of any of the parties,

Considering that war can be justified only in order to defend values connected to the general and collective interest and that only the latter may justify the sacrifice of a combatant,

Considering that Côte d'Ivoire is the common asset of all Ivorians and, as such, represents the general interest to be defended come what may,

Considering that diversity of communities, traditions, cultures, beliefs and opinions is a source of wealth,

Considering that Côte d'Ivoire's viability lies in its economy and that this economy has been damaged by more than eight months of war,

Considering the interest that the international community has shown in Côte d'Ivoire by deploying the impartial forces of MINUCI, ECOMICI and UNICORN,

Considering the need to guarantee equal opportunity to young people and future generations,

The Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles, taking into account the observance of the complete ceasefire signed on 3 May 2003 and the elimination of the war zones,

1. Declare the war to have ended on this day, 4 July 2003,

2. Undertake to support the provisions of the Linas-Marcoussis Agreement and the Accra arrangements,

3. Affirm that they are subordinate to the President of the Republic and to the Government of National Reconciliation,

4. Are determined to work together to avoid any hint of resumption of hostilities through insidious and irresponsible manipulations and to bring peace to the national territory by ridding it of all foreign combatants,

5. Reaffirm that the national programme of demobilization, disarmament and reinsertion will continue,

6. Support activities aimed at securing a return to normal administrative, economic and social relations.

Consequently, the Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles,

7. Recommend that the President of the Republic appoint, within a reasonable period of time, the ministers responsible for defence and security, in conformity with the Accra II procedures,

8. Invite the deputies to adopt the amnesty law that will be proposed to them by the Government of National Reconciliation, as this provision, which was provided for in the Linas-Marcoussis Agreement, will reunify Côte d'Ivoire by making all population groups subject to the same laws,

9. Ask all State agents, in particular those in direct contact with the people, to show justice, discipline, integrity and republican responsibility in exercising their duties,

10. Invite the politicians to commit themselves unreservedly to applying the provisions of the Linas-Marcoussis and Accra Agreements, to which they are signatories,

11. Call on the politicians to end the rearmament of the forces and to postpone arms deliveries with a view to facilitating the implementation of the National Demobilization, Disarmament and Reinsertion Programme,

12. Urge the politicians to ensure that both their words and deeds are aimed at securing national unity,

13. Exhort the national press to work to bring population groups together and to secure unity and national harmony,

14. Call on Ivorian youth in its entirety to work towards union, brotherhood and respect for laws and regulations,

15. Undertake to dismantle, everywhere in Côte d'Ivoire, groups of ill-intentioned youths, both armed and unarmed, in order to provide the people with a feeling of security and reassure the international community,

16. Ask all the population groups living in the territory of Côte d'Ivoire to develop tolerance and respect for difference,

17. Undertake to guarantee equal security to all population groups and in particular to the members of the Government of National Reconciliation,

18. Shall do everything in their power to foster the free movement of persons and goods throughout the national territory.

On the basis of the foregoing, the Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles consider that our country has shed enough blood during these long months of war.

All the population groups living in Côte d'Ivoire should therefore accept the current logic of peace and permanently abandon divisive attitudes and words, for the blood that has been shed during this war must serve as a foundation for a renewed drive towards brotherhood and solidarity.

For this reason Côte d'Ivoire must now make a date with history by showing the international community that it has the resources and capacity needed to rise above its contradictions and work towards peace once again.

Furthermore, the duty to remember requires us to think of the thousands of men, women and children who have died or been permanently scarred by this war.

In defending the values dear to us, we, the soldiers of the Defence and Security Forces of Côte d'Ivoire and of the Armed Forces of the Forces Nouvelles, have done our duty. The task ahead is to draw the proper lessons from this commitment, in order that our country may never again know war.

To that end, we who have been the main actors during this war, united in our determination to develop a truly republican army once again, undertake to build our common destiny by agreeing to silence our weapons and turn to discussion and cooperation instead.

The Defence and Security Forces of Côte d'Ivoire and the Armed Forces of the Forces Nouvelles, together, invite all population groups living in the territory of Côte d'Ivoire to follow them on the road to peace, for they will not hesitate to shoulder their responsibilities should new disturbances break out.

Done at Abidjan on 4 July 2003

For the Defence and Security Forces of Côte d'Ivoire

Major-General Mathias **Doue**
Chief of Staff of the Armed Forces

(*Signed*) By order, Colonel **Kadio Miezou**
Head of COIA

For the Armed Forces of the Forces Nouvelles

(*Signed*) Colonel **Bakayoko Soumaila**
Chief of Staff a.i. of the Armed Forces of the Forces Nouvelles

United Nations S/2003/705

Security Council

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Letter dated 11 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Pakistan to the United Nations addressed to the President of the Security Council

Pursuant to the understanding reached during the Security Council's wrap-up session held on 30 May 2003 under the Pakistan presidency, on "Conflicts in Africa: Security Council missions and United Nations mechanisms to promote peace and security" (see S/PV.4766), I have the honour to transmit the summary (see annex) of the suggestions made in the course of the wrap-up discussions. The summary has been prepared on our own responsibility, but we have consulted the Council members before submitting it.

I should be grateful if you would circulate this letter and the enclosed summary as a document of the Security Council.

(*Signed*) Masood **Khalid**
Chargé d'affaires a.i.

03-42645 (E) 150703

Annex to the letter dated 11 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Pakistan to the United Nations addressed to the President of the Security Council

Wrap-up discussion on the work of the Security Council for the month of May 2003

Conflicts in Africa: Security Council missions and United Nations mechanisms to promote peace and security

The Security Council, in a wrap-up session on 30 May 2003, held a wide-ranging discussion on "Conflicts in Africa: Security Council missions and United Nations mechanisms to promote peace and security". The primary objective of the discussion, as outlined by the Presidency (Pakistan), was to have a strategic, continent-wide look at the United Nations involvement with Africa (the Presidency's non-paper is attached). Council members and the larger United Nations membership analysed the inter-State and intra-State conflicts and complex crises in Africa with a view to exploring ways and means, including the Security Council missions, and other possible mechanisms within the United Nations system, to promote durable solutions and peace and stability in the African continent.

New and important suggestions — general and specific — made during the Council's discussion are summarized below.

General

- The regional and global dimensions of African conflicts must be taken fully into account in order to find lasting solutions.
- Political will to take the necessary decisions and follow-up action remains the key to efforts to assist in resolving current conflicts in Africa and preventing new ones from occurring.
- The primary responsibility for the restoration of peace rests with the parties to the conflicts. Ultimately, the solutions must come from the parties themselves. They cannot be imposed from outside.
- African ownership of the process remains a must. The countries concerned have to take responsibility and demand accountability for the implementation of peace agreements and the establishment of effective peacekeeping measures.
- The "partnership" of the Security Council with African regional and subregional organizations is very important. Cooperation and consultation with the African Union, ECOWAS and other structures must be deepened to facilitate the maintenance of peace and security in the continent.
- The Security Council has to back up regional initiatives with both political and financial support.
- African capabilities in the fields of conflict prevention, management and resolution must be strengthened.

- Greater balance and harmony between regional efforts and Council action for conflict prevention and settlement must be ensured. At times, the assessment of the Council and the African institutions did not coincide.

- The Security Council must carefully follow up on the implementation of its own decisions and resolutions. It should ensure that agreements that are concluded are adhered to by the parties concerned.

- The gap between the decisions/recommendations and their implementation is a matter of concern. A more rigorous assessment of the recommendations of the Ad Hoc Group on Conflict Prevention and Resolution is required to make them more implementable and action-friendly by the United Nations system, especially the Security Council.

- The Security Council should occasionally carry out an evaluation of its own actions with regard to the ongoing and increasingly complicated African conflicts in order to lay out the real problems and explore new avenues for most favourable solutions.

Security Council missions

- Security Council missions should become effective instruments for conflict prevention, conflict management and conflict resolution.

- Security Council missions should inter alia be employed as tools for preventive diplomatic action. In potential conflict situations, the missions could contribute significantly to defusing tensions before the eruption of hostilities and could usefully complement the preventive diplomacy of the Secretary-General.

- Lessons learned from previous experiences should be effectively applied. Each mission should build upon the previous one and make progress on the basis of what has taken place before.

- Multidisciplinary United Nations expert support should be used in the preparatory and follow-up stages of the missions to potential or actual conflict areas.

- Proper coordination and consultation with the African Union and other subregional organizations in preparation for the missions should be ensured.

- During the visits to actual or potential areas of conflict, the Security Council should develop sustainable contacts with major stakeholders or parties on the ground. The missions should give priority to calling for the respect for and implementation of the political agreements and ceasefires that have already been signed.

- Given the regional dimensions of all African conflicts, the Security Council mission to Central Africa should sound out the idea of the adoption of declarations of good-neighbourliness, which could then be transformed into a good-neighbourliness pact. Work on such a document would promote mutual understanding, help resolve problems, and strengthen trust between States.

- The findings and recommendations of Security Council missions should become a consistent and integral part of the Council's decision-making process.

- Security Council, missions should be undertaken on a more regular basis in the future.

- After the two missions to Africa this year, thematic discussions on the following may be considered in order to promote greater coherence of action by the United Nations system as a whole:

  – the rule of law and the promotion of internal security and human rights

  – minimum conditions for holding credible elections

  – security sector reform

  – measures to enhance transparency and accountability in the management of State wealth and resources

  – strengthening State authority through the civil service and legislatures

  – enhancing the capacity of regional organizations to undertake peace operations.

Conflict prevention

- The United Nations should develop an integrated, holistic and comprehensive approach to act effectively to prevent and contain conflicts before they break out and before they have claimed victims and displaced civilian populations.

- Preventive measures having the prospects of success must be designed and implemented through active collaboration with and support from subregional and regional organizations.

- An effective early warning system should be devised, through the work of the Special Representatives of the Secretary-General and United Nations offices, under the guidance of the Security Council, in cooperation and coordination with the African Union and other regional organizations and actors concerned.

- Conflict prevention involves not only the prudent use of the measures at the disposal of the Security Council, but also efforts to promote development strategies and support poverty eradication measures.

- Among the international community's endeavours for prevention, efforts for education would over the long run yield the best results in establishing conditions of peace, stability, understanding and harmony in Africa.

- Appropriate and effective mechanisms and institutions, including good governance and the rule of law, as well as respect for human rights and addressing fundamental inequities, are of great importance for the early prevention of conflicts and a durable peace in the continent.

Addressing the root causes

- There is a need for the Security Council — and the United Nations in general — to seriously and systematically address the root causes of conflict in ways that could minimize the potential for future and more protracted conflict and instability on the African continent.

- Analysis of Africa's conflicts must be approached from the perspective of regional dimensions that explain their root causes. This must be done in

dialogue and consultation with regional organizations, political leaders and members of civil society.

- Dealing with issues such as socio-economic inequities and inequalities, systematic ethnic discrimination, the denial of human rights, disputes over political participation or long-standing grievances over land, the illicit proliferation of small arms and light weapons, the plight of refugees and internally displaced persons and the illegal exploitation of natural resources is of critical importance in the process of moving from conflict management to prevention and final resolution.

- The recommendations of the Ad Hoc Group on Conflict Prevention and Resolution in Africa need to be put into effect.

- Poverty eradication must remain the overarching priority. The Council should attach importance to the implementation inter alia of the Millennium Development Goals, the Monterrey Consensus and the conclusion of the World Summit on Sustainable Development held in Johannesburg.

Illegal exploitation of resources

- Efforts should be made to put an end to the illegal exploitation of natural resources of African countries that fuels conflicts in the continent.

- There is a need to follow up on the measures proposed by the Panel of Experts with respect to the illegal exploitation of natural resources.

- An intensive dialogue with Governments and political leaders is necessary. Where dialogue fails, international pressure on Governments, companies and individuals must be the next step. The reports of panels of experts, as in the case of the Democratic Republic of the Congo, led to positive results, because Governments have taken action and companies have been encouraged to review their policies.

Proliferation of small arms and light weapons

- The Council must make efforts to stop the trafficking of small arms and light weapons, which have the effect of actual weapons of mass destruction.

- The proliferation and illegal circulation of small arms and light weapons must be tackled effectively through the strengthening of monitoring mechanisms and capabilities of States.

- Neighbouring countries must cooperate and muster the political will to stop the flow of weapons and military materiel to belligerents. If failure to do so is due to lack of capabilities, then those have to be strengthened.

- The flow of weapons on the supply side must also be contained. The United Nations weapons register could be an important tool. International arms dealers should be effectively dealt with.

Illegal armed groups

- There is a need to tackle the difficult issue of armed groups from neighbouring countries that cross borders to foment violence and defy appeals to return to their countries of origin.

- Combating mercenary activities, which are developing at an alarming rate in West Africa, must not be overlooked.

- Quite frequently armed groups are manipulated from abroad and become an extension of the interests of regional neighbouring countries. The phenomenon has become regional and poses a threat to international peace and security. Governments must engage in contacts with armed groups and make compromises within the framework of an intra-national dialogue.

- The question of border security requires a fresh approach. The permeability and vulnerability of borders has in many cases been the reason for the spill-over of conflict situations. The Council missions to Africa should draw attention to this problem.

Sanctions

- Sanctions regimes, by restricting access to the arms and the financing used to undermine international security, can be a valuable tool in minimizing threats. The goal is not to punish, but to use sanctions to change the policies of regimes that threaten their neighbours.

- When properly applied and monitored, sanctions can be an important tool for generating compliance with internationally accepted norms, leading to the resolution of conflicts.

- There should be greater cooperation and consultation between the various ad hoc working groups on Africa in the United Nations system and the sanctions committees.

- The panels of experts established by the Council in the cases of Sierra Leone and Liberia are working effectively to monitor and improve the implementation of the sanctions regime. The Council members have to see how the findings and recommendations of the panels of experts can be used effectively.

- The Council should review the role of sanctions in Sierra Leone and Liberia.

- The mission to West Africa would enable the Council to see to what extent its sanctions regimes have been effective in the case of certain States of the region.

- The Council's sanctions could be targeted and can be made more effective to ensure implementation of the Council's decisions and adherence to agreements reached.

Peacekeeping operations

- Peacekeeping is an important instrument at the disposal of the Security Council. The Council must avoid selectivity and double standards in establishing United Nations peacekeeping operations.

- The Council must continue to enhance the effectiveness of peacekeeping operations. Supporting the peace process in Africa necessarily requires strengthening peacekeeping missions.

- The Council should adapt the mandates of peacekeeping operations to the changing conflict situations in Africa.

- Peacekeeping operations must have a robust mandate and adequate financial resources.

- Helping Africans to build capacity for peace operations is essential. In most cases, they have the human resources and a tradition of peacekeeping, but not the logistics or the financial resources to mount large-scale peacekeeping operations on the continent. Members of the Council, in a cooperative partnership, can provide resources for regional peacekeeping.

- The Security Council should authorize the participation of countries affected by conflict, United Nations actors and others in the preparation, expansion and renewal of the mandates of United Nations missions.

- The efforts of the Department of Peacekeeping Operations for the enhancement of the capabilities of troop contributors and in capacity-building for regional and subregional operations should continue. An active role for the United Nations, specifically in the areas of information-sharing, promoting transparency, mobilizing support and stimulating contacts between recipients and donors of assistance in training, equipment and logistics is a welcome step.

- Strong commitment and continued and sustained support in terms of manpower, financing and material for United Nations Member States is essential for the operational success of peacekeeping operations. The Security Council and the Secretariat should make every effort to engage Member States, particularly troop-contributing countries, at the planning stage and at every subsequent phase of any particular operation.

Disarmament, demobilization and reintegration

- The two Security Council missions to Africa this year should consider the desirability of setting up a comprehensive disarmament, demobilization and reintegration programme for the whole continent. Such a programme must be comprehensive and must enable former combatants to be reintegrated into normal day-to-day life and economic activities.

- There is a need for the United Nations and donor countries to provide appropriate, substantial assistance with a view to the stabilization and subsequent improvement of the situation. There is a need, in particular, to help in the implementation of peace and ceasefire agreements when they have been signed, and to support the various programmes for the disarmament, demobilization and reintegration of combatants.

- Disarmament, demobilization and reintegration programmes in Africa should draw upon the success of earlier such programmes elsewhere and have regional participation in view of the interlinkage and interdependence of conflicts in Africa.

Humanitarian and human rights dimension

- Solutions of African conflicts must encompass humanitarian action and respect for international law.

- The Council's political support for conflict resolution should be accompanied by an improvement in the economic and humanitarian situation.
- Support for conflict resolution and prevention is well served by respect for international human rights and humanitarian norms, as well as a commitment to good governance.
- The humanitarian situation is an integral part of conflicts and not a subsidiary or auxiliary one. It is essential for humanitarian questions to play a central role in the resolution phase of conflicts because the complex crises occurring in Africa dramatically affect civilian populations.
- Denial of access to humanitarian organizations by warring factions is unacceptable.
- The Council must also address the question of responsibility for violations of human rights in the resolution phase of a conflict. Impunity must be deemed unacceptable. Parties to the conflicts must get the clear message that those who commit crimes against humanity will inexorably be brought to justice.
- Consideration should be given to creating adequate mechanisms to ensure progress on reconciliation, which is one of the greatest challenges for countries emerging from conflict.
- In the post-conflict phase, consideration should also be given to providing required political and financial support for addressing the questions inter alia of refugees and internally displaced persons.

Peace and development

- Recognizing the vital linkage between peace and security and the broader objectives of sustainable development, countries of the African Union have forged a common vision and a shared commitment to a path of sustainable growth and development. Efforts to advance the New Partnership for Africa's Development (NEPAD) and the Millennium Declaration's pledge to Africa are under way. The Security Council remains an important partner in this noble endeavour.
- NEPAD contains mutually-reinforcing measures that allow for the creation of socio-political inclusion, development and peace. NEPAD also offers new opportunities regarding development assistance. Resources to support NEPAD could be usefully channelled through multilateral institutions to foster triangular as well as South-South cooperation.
- Greater investment by States with economic capacity would benefit not only African populations but also the developed world.
- Poverty and extreme underdevelopment underpin the Council's discussion. Much bloodshed could be prevented and money saved if developed countries spearheaded a programme aimed at intervening economically, providing appropriate technical experts, monitoring economic decisions, generating investments and opening wide their doors to exports.
- There is a need to put the maintenance of peace and security on a sound economic and financial footing. Insufficient funding during peace processes remains a difficult problem. Economic and financial guarantees, therefore,

represent a serious issue for the Security Council in its task of preventing and managing and forestalling the recurrence of conflicts in Africa.

- There is a lack of donor commitment and a failure to meet peace-building commitments in countries emerging from conflicts. Ongoing financial assistance to regional organizations and other actors is crucial in enabling them to carry out the difficult operations in the various regions and countries.

Other United Nations mechanisms

- The Secretary-General, his Special Representatives, and the Groups of Friends should continue to play their useful facilitating roles.

Intra-United Nations coordination

- Greater coordination and coherence must be fostered in the United Nations response at the intergovernmental level to the interrelated issues of peace, security and sustainable development in Africa.
- The Security Council must tackle Africa's problems in a creative process of cooperation and "partnership" with the other bodies of the United Nations.
- The working relationship already developed between the Security Council and the Economic and Social Council should be strengthened.
- The Ad Hoc Working Group on Conflict Prevention and Resolution in Africa created by the Security Council and the Ad Hoc Advisory Group on African Countries Emerging from Conflict formed under the auspices of the Economic and Social Council represent a new mechanism that will potentially lead to a more comprehensive approach to addressing conflict situations.
- The Security Council and the Economic and Social Council may consider holding joint meetings periodically as a way of mobilizing international support for Africa in the areas of conflict prevention, resolution, and post-conflict peace-building.
- More joint missions of the Security Council and Economic and Social Council may be sent to countries like Guinea-Bissau and Burundi.
- The Member States, the Organization itself, the international financial institutions, regional and subregional organizations, the international donor community and civil society groups have a shared responsibility for devising and implementing successful strategies in Africa.
- The expansion and strengthening of coordination between the Security Council and the Economic and Social Council should be backed up by the effective involvement and support of international financial organizations. A comprehensive and integrated approach towards African issues and better coordination in that regard within the United Nations system, involving the principal organs — the General Assembly, the Security Council, the Economic and Social Council and the Secretariat — United Nations agencies and the Bretton Woods institutions, should therefore be the urgent priorities.

New mechanisms

- The Council could create inquiry bodies to establish the facts in the case of certain crises. Such bodies could work along the lines of the Counter-Terrorism Committee to trace the resources and to chase the money trail back to those who finance and fuel conflicts in various parts of Africa.

- It is crucial for the United Nations to enhance coordination and complementarity in the work of its three principal organs in order to create durable solutions by generating a coherent and mutually supportive response to the African problems and complex crises. A way to do this could be to build on the existing cooperation between the Security Council and the Economic and Social Council and to establish ad hoc composite committees, with membership drawn from the Security Council, the General Assembly and the Economic and Social Council. Such composite committees could generate a coherent and mutually supportive response to the internecine conflicts and complex crises in Africa and, perhaps, elsewhere. Such composite committees could look at complex emergencies from different perspectives and thus generate coherent solutions. This approach would also reduce the burden on the Security Council, which is increasingly finding itself preoccupied with internal political, economic and development issues in various conflict situations.

Attachment

Wrap-up session, 30 May 2003

Conflicts in Africa: Security Council missions and United Nations mechanisms to promote peace and security

Introduction

The Security Council, consistent with its primary responsibility for the maintenance of international peace and security, has devoted considerable time and effort to respond to the aspirations of the peoples of Africa and to address the threats to peace and security on the continent. The collective efforts of the international community in support of the African struggle against colonialism were singularly successful in bringing about the political independence of all the countries of Africa.

In more recent times, international efforts, especially those of the United Nations system and organs, have been devoted to the search for similar successes and progress in the areas of peace and security as well as political and economic development. These efforts have resulted in some notable advancements and success in the mitigation of some of the conflict situations. However, challenges remain. Inter-State and intra-State conflicts and complex crises continue to plague parts of the continent and, in some instances, there has been resurgence of old conflicts that were previously considered to have been contained. Poverty, food insecurity and disease compound the crises. There is also a worrisome indication that some of the internal conflicts are increasingly becoming regional, with internal conflict situations in one country affecting a number of other countries in the region.

The human suffering resulting from conflicts and socio-economic breakdown is of serious concern to the international community. The international community, working with African countries and subregional and regional organizations, needs to review how best to promote peace and security in Africa and thus enable its peoples to achieve their full potential.

United Nations engagement

The inter-State and intra-State conflicts in Africa have frequently evoked the Security Council's direct involvement. Such involvement has expanded in scope and content, especially in recent years. The Council's actions have included authorizing peacekeeping missions, imposing sanctions, especially evolving the use of "smart sanctions" with more biting consequences for those who violate Security Council resolutions, managing conflicts as well as supporting efforts for conflict resolution inter alia by regional and subregional organizations.

Through the use of the good offices of the Secretary-General in conflict prevention and management and such mechanisms as the peacekeeping and peace-building missions, as well as the activities of the Special Representatives of the Secretary-General and Groups of Friends, and working in close consultation with regional and subregional organizations and civil society groups, the United Nations engagement with Africa has been growing at multiple levels. Cooperation between the different organs of the United Nations, such as the Security Council and the Economic and Social Council, is increasing, in particular to assist countries emerging from conflict by expanding coordination between the peace and security as

well as the development organs of the United Nations to increase the effectiveness of United Nations support. The Security Council's Ad Hoc Working Group on Conflict Prevention and Resolution in Africa is an important forum to help keep an institutional focus on African issues. Lately, the Security Council missions to Africa have emerged as another important means for the Council to directly engage with the regional and subregional organizations, governmental, opposition and civil society actors in Africa and to facilitate the process of conflict management and resolution. These missions improve the appreciation of the Council members of the situations on the ground, and help to expand access to the United Nations decision-making organ for a wider range of actors, who otherwise would not have an opportunity to have their opinion considered.

In June 2003, two separate Security Council missions will be visiting Central Africa and West Africa. These missions underscore the place of prominence that the African continent has on the agenda of the Security Council. The dispatch of the two missions should be a powerful signal to all parties to the conflicts in Africa that the Council intends to maintain its focus on African issues and will remain actively engaged with Africa.

Scope of discussion

The Pakistan Presidency considers that, on the eve of the two missions to Africa, the Security Council could devote its meeting on 30 May 2003 to taking another strategic, continent-wide look at the United Nations involvement with Africa. The Presidency proposes that the Council's discussion focus on the following:

- The forthcoming missions to Central Africa and West Africa.
- The conflict situations requiring urgent international action, especially focusing on the regionalization of some of the intra-State conflicts.
- The efficacy of the mechanisms currently employed by the United Nations for engagement with Africa.
- The imperative of moving from conflict "management" to "prevention" and final resolution, to prevent the resurgence of old conflicts.
- Further ways and means to deepen engagement with the African continent, especially focusing on how to deploy substantive material as well as political support to resolve conflict, and especially in support of the subregional and regional organizations.
- The desirability of a comprehensive and integrated approach to African issues by the United Nations system, hinging on closer coordination between the different organs of the United Nations.

Format

It is proposed that the Council's meeting on this subject be a public meeting, open to the participation of other States Members of the United Nations.

The leaders of the two forthcoming Security Council missions to Africa could be invited to initiate the discussion.

Other interested parties, such as the Chairmen of the Working Group on Africa and the Group of African States, as well as a representative of the African Union, may be invited to speak.

In the Council's debate, two Council members could speak followed by two non-members.

Participants would be requested to keep their statements to a maximum of five minutes.

The Presidency, on its own responsibility, will prepare a summary of important and new suggestions advanced during the Council's debate and will circulate it subsequently.

United Nations S/2003/706

Security Council

Distr.: General
14 July 2003

Original: English

Identical letters dated 11 July 2003 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to transmit herewith the identical letters by H.E. Mr. Vilayat Guliyev, the Minister of Foreign Affairs of the Republic of Azerbaijan, addressed to the President of the Security Council and the Secretary-General on the continuing aggression of the Republic of Armenia against the Republic of Azerbaijan resulted in occupation of one fifth of the Azerbaijani territories.

I should be grateful if you would have the present letter and its annex circulated urgently as a document of the Security Council.

(*Signed*) Yashar **Aliyev**
Permanent Representative

03-42707 (E) 150703 150703

Annex to the identical letters dated 11 July 2003 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and to the President of the Security Council

[Original: Russian]

As you will recall, in my letter of 2 May 2003 (S/2003/528) regarding the tenth anniversary of the adoption of the Security Council resolutions on the conflict between Armenia and Azerbaijan I emphasized that Armenia had so far failed to implement any of the decisions of the Security Council and that the absence of an appropriate reaction from the international community would encourage continued illegal action by the aggressor. I am today once again drawing your attention to this issue, which has brought pain and fear to the hearts of all my compatriots and over which I am asking the Security Council to exercise its responsibility and authority.

Having occupied one fifth of Azerbaijan's territory and conducted ethnic cleansing there, Armenia has spent the past ten years doing all it can to consolidate the results of its armed aggression. It has rapaciously exploited the natural resources of the occupied territories and taken most of those resources to Armenia. According to some reports, it has also used the territories which it occupies to store radioactive wastes, causing irreparable environmental damage. The occupying forces have been deliberately vandalizing and destroying Azerbaijani historic and cultural monuments, as well as obliterating any traces of the Azerbaijani heritage of the Azerbaijani region of Nagorny Karabakh and adjacent areas. With Yerevan's official backing, illegal settlements have been founded in the occupied territories, and settled with people from Armenia and other countries. The occupied territories have become a gathering place for terrorists and criminal gangs, and the smuggling of drugs, weapons and human beings is rife. Armenia has been actively accumulating weapons and strengthening its military personnel into Azerbaijani territory.

Recent circumstances have made it easier for Armenia to engage in increasingly open military provocation in the area of conflict. In the last few weeks, there has been a sharp increase in the Armenian side's violations of the ceasefire. Dozens of Azerbaijani military personnel have been killed or wounded as a result of shelling by Armenian units. There is now a real danger that widespread armed activity will resume. Azerbaijan believes in the peaceful resolution of disputes and has adhered scrupulously to the ceasefire agreement, but it has no intention of living indefinitely with such a situation.

Having drawn attention to these alarming events, I should like to refer to resolutions 822 (para. 4), 853 (para. 13), 874 (para. 12) and 884 (para. 8), in which the Security Council requests the Secretary-General of the United Nations, the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) and the Chairman of the OSCE Minsk Conference to report to the Security Council on all aspects of the situation on the ground and on its development. In that connection, we urgently appeal to the Security Council and the Secretary-General to take all necessary steps to ensure compliance with those provisions. We expect the Security Council to take decisive action to put an end to Armenia's criminal, aggressive actions in occupied Azerbaijani territory and — in implementation of its own resolutions — to oblige the occupying forces to withdraw unconditionally, immediately and entirely from the Azerbaijani territory which they have seized.

(*Signed*) Vilayat **Guliyev**